



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|-------------------------------|------------------|
| 09/524,342 | 03/13/2000 | Patrick N Sollee | NORT-0044-US (11854RRUS01) | 6456 |

7590 09/11/2003
Dan C Hu
Trop Pruner & Hu PC
8554 Katy Freeway
Suite 100
Houston, TX 77024

EXAMINER

CANGIALOSI, SALVATORE A

ART UNIT PAPER NUMBER

2661

DATE MAILED: 09/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/524,342

Applicant(s)

SOLLEE ET AL.

Examiner

Salvatore Cangialosi

Art Unit

2661

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 July 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-36 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-36 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) 2,3,4.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

Art Unit: 2661

1. The following is a quotation of 35 U.S.C. § 103 which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Subject matter developed by another person, which qualifies as prior art only under subsection (f) or (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

2. Claims 1-36 are rejected under 35 U.S.C. § 103 as being unpatentable over Thornton et al in view of either Jenness or Christie et al (621).

Regarding claims 1, 25 and 36 Thornton et al (See Figs. 1, 2, 5, 8-10, 11, and 24-26) disclose a method and apparatus for voice over IP where a call session can be established over a data network and control messages are transmitted to a remote device (See Col. 29, lines 30-40) substantially as claimed. The differences between the above and the claimed invention is explicit mention of command transmission to the voice device. While Thornton et al is silent with respect to explicit terminology of commands of the voice

Art Unit: 2661

device, either Jenness (Col. 5, line 20, elements 22 and 28) or Christie et al (Col. 7, lines 25-30) show voice devices connected to a data network accepting commands from a remote device. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Thornton et al because voice over ip requires control of the voice device to be useful in view of the motivation supplied by Thornton et al. With respect to the signal and media limitations of claims 36 and 25 respectively, it is noted that Thornton et al obviously require both for successful operation. Regarding claim 12 and 32, the claim additionally requires a display, Thornton et al (Col. 22, lines 30 -35) suggest that the user can interact with the commands via a console or personal computer. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Thornton et al because a standard console or computer would normally include a display (See element 26 of Christie et al). Regarding claim 2, Thornton et al (See Col. 9, line 15-25) shows control message routing relying on Internet protocol may be modified to conform to other network protocols which would obviously entail other control message format. Regarding claims 3 and 28, the claims require a network telephone and interface, Thornton et al (element 200) teaches a gateway which is functional equivalent of the interface and meets the claimed limitations. Regarding claims 4-5, 16,

Art Unit: 2661

Thornton et al (See Col. 18, lines 60-65, col. 26, lines 5-10)) show real-time transport protocol which meets the claim limitations. Regarding claims 6, 14, 26, 27 and 33, the claims require Session Initiation Protocol. Christie et al (See Col. 5, lines 15-20) show the equivalence of the IP and SIP formats. It would have been obvious to the person having ordinary skill in this art to provide a similar arrangement for Thornton et al because of the motivation supplied by Thornton et al in the use of protocol formats other than standard IP (See Col. 9, line 15-25). Regarding claims 7-8 and 29, Thornton et al (See Fig 2, Col. 24, lines 65-67) show storage elements and the well known port number contained within the packet. Regarding claims 9-11, 13, 15, 17-24, 30, 31, 34 and 35 requires various forms of graphical display, any of the call processes of Thornton et al (See Figs. 11, 13-17, 21-29) can be displayed on the console or computer in view of the specific motivation provided by Thornton et al at Col. 22, Lines 35-40. The deficiencies of the art with respect to some of the dependent claims deal with the conventional communication protocols of packet switched networks.

Any inquiry concerning this communication should be directed to Salvatore Cangialosi at telephone number (703) 305-1837. If attempts to reach the examiner by telephone are unsuccessful, the

Serial Number: 09/524,342

-5-

Art Unit: 2661

examiner's supervisor, Douglas Olms, can be reached at (703)
305-4703.

Any response to this action should be mailed to:

Commissioner of Patent and Trademarks

Washington, D.C. 20231

or faxed to (703)872-9314(for Technology Center 2600 only)

Hand delivered responses should be brought to Crystal Park
II, 2121 Crystal Drive, Arlington, Virginia, Sixth
Floor(Receptionist).

Any inquiry of a general nature or relating to the status of
this application or proceeding should be directed to the
Technology Center 2600 Customer Service Office whose telephone
number is (703) 306-0377.


**SALVATORE CANGIALOSI
PRIMARY EXAMINER
ART UNIT 222**